

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MULTIVEN, INC., a Delaware corporation

Plaintiff,

v.

CISCO SYSTEMS, INC., a California
corporation

Defendant.

CISCO SYSTEMS, INC., a California
corporation, and CISCO TECHNOLOGY,
INC., a California corporation

Counterclaimants,

v.

MULTIVEN, INC., a Delaware corporation,
PINGSTA, INC., a Delaware corporation, and
PETER ALFRED-ADEKEYE, an individual

Counterdefendants.

Case No. 5:08-cv-05391 JW (HRL)

**STIPULATED REQUEST TO
TEMPORARILY STAY CASE PENDING
DISMISSAL AND [PROPOSED] ORDER**

1 WHEREAS, the parties in the above-entitled action have entered into a settlement agreement
2 attached as Exhibit A ("Settlement Agreement") to the proposed order filed concurrently herewith;

3 WHEREAS, Exhibit 4 to the Settlement Agreement contains highly sensitive and
4 confidential information regarding the parties' business operations and therefore is sealable under
5 Local Rule 79-5(c);

6 WHEREAS, the parties have agreed to request dismissal with prejudice of the claims in this
7 action at a later date and dismissal of the counterclaims in this action with prejudice;

8 WHEREAS, the parties are facing imminent deadlines as set forth in the June 10, 2009
9 Scheduling Order (Docket Entry ("DE") 30);

10 WHEREAS, the parties desire that the Court retain jurisdiction over this action for the
11 purpose of enforcing the terms of the Settlement Agreement, including the retention of the power to
12 enjoin any action brought in violation of the Settlement Agreement;

13 NOW THEREFORE, it is hereby stipulated by the undersigned counsel on behalf of the
14 parties identified below that:

15 1. The case should be temporarily stayed pending the final dismissal with prejudice of
16 the entire action.

17 2. The Court should enter an order sealing Exhibit 4 to the Settlement Agreement, which
18 is attached hereto as Exhibit A.

19 3. The Court should retain jurisdiction over this action for the purpose of enforcing the
20 terms of the Settlement Agreement, including the retention of the power to enjoin any action brought
21 in violation of the Settlement Agreement
22

23 Dated: July 21, 2010

Respectfully submitted,

24 BLECHER & COLLINS, P.C.
25 515 South Figueroa Street, Suite 1750
Los Angeles, CA 90071

26 By /s/ Donald R. Pepperman
27 DONALD R. PEPPERMAN
Attorneys for Plaintiff
28 MULTIVEN, INC.

1 Dated: July 21, 2010

Respectfully submitted,

2 CADWALADER, WICKERSHAM & TAFT LLP
3 700 Sixth Street, N.W.
4 Washington, DC 20001

5 By /s/ Joseph J. Bial
6 JOSEPH J. BIAL
7 Attorneys for Plaintiff
MULTIVEN, INC.

8 Dated: July 21, 2010

Respectfully submitted,

9 ROPERS, MAJESKI, KOHN & BENTLEY
10 515 S. Flower Street, Suite 1100
11 Los Angeles, CA 90071

12 By /s/ Thomas M. O'Leary
13 THOMAS M. O'LEARY
14 Attorneys for Counterdefendants
MULTIVEN, INC., PINGSTA, INC. and
PETER ALFRED-ADEKEYE

15 Dated: July 21, 2010

Respectfully submitted,

16 WINSTON & STRAWN LLP
17 101 California Street
18 San Francisco, CA 94111-5802

19 By /s/ Patrick M. Ryan
20 PATRICK M. RYAN
21 KRISTA M. ENNS
22 J. CALEB DONALDSON
Attorneys for Defendant and Counterclaimant
CISCO SYSTEMS, INC. and Counterclaimant
CISCO TECHNOLOGY, INC.

23
24 I, Patrick M. Ryan, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the
25 concurrence to the filing of this document has been obtained from each signatory hereto.


26 /s/ Patrick M. Ryan
27 PATRICK M. RYAN
28

1 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

2 1. Because the parties have entered into a settlement agreement ("Settlement
3 Agreement"), the claims and the counterclaims in this action are hereby STAYED pending final
4 dismissal of the action.

5 2. The parties have established that Exhibit 4 to the Settlement Agreement is sealable
6 since it contains confidential and sensitive business information. Therefore, the Court GRANTS the
7 parties' request to seal Exhibit 4 to the Settlement Agreement. Exhibit 4 to the Settlement
8 Agreement shall be filed under seal by the Clerk of the Court

9
10 Dated: July 26, 2010


JAMES WARE
United States District Judge